

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-v-	:	22-CR-243-1 (JMF)
	:	
JAN CARLOS RAMOS ALMESTICA,	:	<u>MEMORANDUM OPINION</u>
	:	<u>AND ORDER</u>
Defendant.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

Defendant, proceeding without counsel, filed the attached motion, pursuant to 18 U.S.C. § 3582(c)(2), seeking a reduction of his sentence pursuant to Amendment 821 to the United States Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively. A reduction of sentence is not authorized, however, if the amendment at issue “does not have the effect of lowering the defendant’s applicable guideline range.” U.S.S.G. § 1.10(a)(2); *see* 18 U.S.C. § 3582(c)(2). That is the case here.

Contrary to Defendant’s suggestions in his motion, the Court did not include “status points” in his Criminal History Category. In fact, as noted in Paragraph 64 of the Presentence Investigative Report, the Guidelines sentence was dictated by the statutory mandatory minimum punishment under 18 U.S.C. § 924; there was “no guideline range nor does the Criminal History Category apply pursuant to [U.S.S.G.] § 2K2.4(b).” PSR ¶ 64. Accordingly, Defendants’ motion must be and is DENIED.


This Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Memorandum Opinion and Order would not be taken in good faith, and *in forma pauperis* status is thus denied. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

For the foregoing reasons, Defendants' motion is DENIED. The Clerk of Court is directed to mail a copy of this Memorandum Opinion and Order to:

Jan Carlos Ramos Almestica
Register No. 71489-509
FCI Coleman Medium
Federal Correctional Institution
P.O. BOX 1032
Coleman, FL 33521

SO ORDERED.

Dated: March 28, 2024
New York, New York



JESSE M. FURMAN
United States District Judge

In The United States District Court
for Southern District of New York.

United States of America

Vs.

Case No. 22 cr 243

Juan C. Ramos Almestica

MOTION FOR MODIFICATION OF SENTENCE
Pursuant to Title 18 USC 3582 (c) (2).

Comes Now Juan C. Ramos Almestica "hereinafter as defendant" very respectfully request and prays this Hon. Court to reduce defendant sentence as provides by the new amendment of the United States Sentencing Guidelines "Amendment 821".

Amendment 821 provides this Honorable Court the legal authority to reduce defendant sentence if defendant was enhance for committing the instant offence while under a criminal justice sentence such as parole, probation, supervised release, imprisonment, work release or escape status. USSG 4A1.1(e).

In the case at bar defendant score 4 points criminal history category III. Now after the 821 application defendant score 2 points and criminal history category of II.

Wherefore this Hon. Court has discretion
to reduce my sentence and as result this
motion shall be granted and any other
remedy as law and justice requires.

Executed on 03-14 2024.

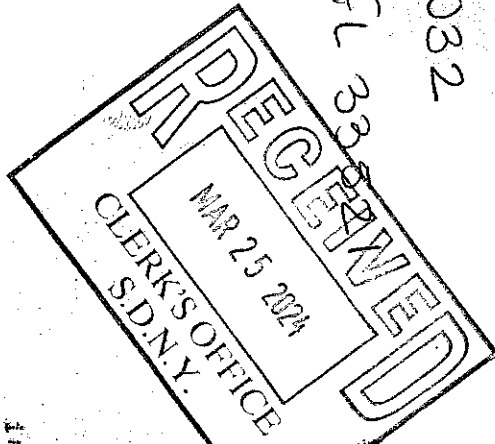
(S) for [Signature]

Jan C Ramos Alimestica #71489-509

FCC Coleman medium

PO BOX 1032

Coleman FL 33322



U.S. DISTRICT COURT

Southern District of New York

300 Pearl St New York

10007-13053



Robek

TAMPA FL 335
SAINT PETERSBURG FL
18 MAR 2024 PM 3:11
U.S. District Court

